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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,966	04/20/2007	Katsuichi Yagisawa	0649-1323PUS1	1502

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BIRCH STEWART KOLASCH & BIRCH  
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FALLS CHURCH, VA 22040-0747

EXAMINER
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DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

NOTIFICATION DATE	DELIVERY MODE
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07/07/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,966	<b>Applicant(s)</b> YAGISAWA ET AL.	
	<b>Examiner</b> Aaron M. Dunwoody	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/13/2009 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-11 are rejected under 35 U.S.C. 102(B) as being clearly anticipated by United States Patent Application Publication US 2002/0140225, Nishiyama et al.

In regards to claims 1, 2 and 4-11, Nishiyama et al disclose a resin tube-equipped quick connector for connecting a fuel-transporting resin tube (4) to a mating pipe, comprising

a connector body (5), a retainer (22) and a seal member (9,10);

wherein the connector body has a generally tubular shape as a whole, and has a retainer holding portion at one axial side thereof, and also has at the other side thereof

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a press-fitting portion which is press-fitted into the interior of the resin tube from one end thereof, press-fitting portion including first and second annular projections disposed respectively adjacently to first and second root portions along a length L thereof, and each of the first and second annular projections has substantially the same outer diameter;

wherein the retainer is a member adapted to be held in the retainer holding portion, and is engaged with a convex or concave pipe-side engagement portion, formed on an outer peripheral surface of the mating pipe and spaced from an axial insertion-side end thereof, so as to fix the inserted mating pipe in the axial direction;

wherein the seal member is mounted within the connector body at an inner region thereof disposed closer to the press-fitting portion than the retainer holding portion is disposed, and the seal member is brought into contact with an outer peripheral surface of an insertion end portion of the inserted mating pipe disposed closer to the distal end of the mating pipe than the pipe-side engagement portion is disposed, thereby forming an air-tight seal between the insertion end portion and an inner surface of the connector body; and

the resin tube including a press-fit undergoing portion into which the press-fitting portion is to be press-fitted,

wherein before the press-fitting portion is press-fitted into the press-fit undergoing portion, the press-fit undergoing portion is formed with an inner diameter the is substantially equal to an outer diameter of the root portions of the press-fitting portion, and

after the press-fitting portion is press-fitted into the press-fit undergoing portion of the resin tube, the press-fitting portion is adapted to cause portions of its inner diameter facing the root portions of its inner diameter facing the root portions to become equal to the outer diameter of the root portions, so that and the press- fitting portion is press-fitted in the tube diameter-expanded press-fit undergoing portion to be integrated with the press-fitting portion in a withdrawal-preventing condition.

***Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the beforehand expansion limitation is given little patentable weight.***

Claims 1, 2 and 4-11 are rejected under 35 U.S.C. 102(B) as being clearly anticipated by US patent 6805383, Ostrander et al.

In regards to claims 1, 2 and 4-11, Ostrander et al disclose a resin tube-equipped quick connector for connecting a fuel-transporting resin tube (37) to a mating pipe (14), comprising

a connector body (20), a retainer (10) and a seal member (31);

wherein the connector body has a generally tubular shape as a whole, and has a retainer holding portion at one axial side thereof, and also has at the other side thereof a press-fitting portion which is press-fitted into the interior of the resin tube from one end thereof, press-fitting portion including first and second annular projections disposed respectively adjacently to first and second root portions along a length L thereof, and

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each of the first and second annular projections has substantially the same outer diameter;

wherein the retainer is a member adapted to be held in the retainer holding portion, and is engaged with a convex or concave pipe-side engagement portion, formed on an outer peripheral surface of the mating pipe and spaced from an axial insertion-side end thereof, so as to fix the inserted mating pipe in the axial direction;

wherein the seal member is mounted within the connector body at an inner region thereof disposed closer to the press-fitting portion than the retainer holding portion is disposed, and the seal member is brought into contact with an outer peripheral surface of an insertion end portion of the inserted mating pipe disposed closer to the distal end of the mating pipe than the pipe-side engagement portion is disposed, thereby forming an air-tight seal between the insertion end portion and an inner surface of the connector body; and

the resin tube including a press-fit undergoing portion into which the press-fitting portion is to be press-fitted,

wherein before the press-fitting portion is press-fitted into the press-fit undergoing portion, the press-fit undergoing portion is formed with an inner diameter that is substantially equal to an outer diameter of the root portions of the press-fitting portion, and

after the press-fitting portion is press-fitted into the press-fit undergoing portion of the resin tube, the press-fitting portion is adapted to cause portions of its inner diameter facing the root portions of its inner diameter facing the root portions to become equal to

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the outer diameter of the root portions, so that and the press-fitting portion is press-fitted in the tube diameter-expanded press-fit undergoing portion to be integrated with the press-fitting portion in a withdrawal-preventing condition.

***Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the beforehand expansion limitation is given little patentable weight.***

Claims 1, 2 and 4-11 are rejected under 35 U.S.C. 102(B) as being clearly anticipated by US patent 6173998, Bock.

In regards to claims 1, 2 and 4-11, Bock disclose a resin tube-equipped quick connector for connecting a fuel-transporting resin tube (4) to a mating pipe (1), comprising

a connector body (5), a retainer (6) and a seal member (7,9);

wherein the connector body has a generally tubular shape as a whole, and has a retainer holding portion at one axial side thereof, and also has at the other side thereof a press-fitting portion which is press-fitted into the interior of the resin tube from one end thereof, press-fitting portion including first and second annular projections disposed respectively adjacently to first and second root portions along a length L thereof, and each of the first and second annular projections has substantially the same outer diameter;

wherein the retainer is a member adapted to be held in the retainer holding portion, and is engaged with a convex or concave pipe-side engagement portion,

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formed on an outer peripheral surface of the mating pipe and spaced from an axial insertion-side end thereof, so as to fix the inserted mating pipe in the axial direction;

wherein the seal member is mounted within the connector body at an inner region thereof disposed closer to the press-fitting portion than the retainer holding portion is disposed, and the seal member is brought into contact with an outer peripheral surface of an insertion end portion of the inserted mating pipe disposed closer to the distal end of the mating pipe than the pipe-side engagement portion is disposed, thereby forming an air-tight seal between the insertion end portion and an inner surface of the connector body; and

the resin tube including a press-fit undergoing portion into which the press-fitting portion is to be press-fitted,

wherein before the press-fitting portion is press-fitted into the press-fit undergoing portion, the press-fit undergoing portion is formed with an inner diameter the is substantially equal to an outer diameter of the root portions of the press-fitting portion, and

after the press-fitting portion is press-fitted into the press-fit undergoing portion of the resin tube, the press-fitting portion is adapted to cause portions of its inner diameter facing the root portions of its inner diameter facing the root portions to become equal to the outer diameter of the root portions, so that and the press- fitting portion is press-fitted in the tube diameter-expanded press-fit undergoing portion to be integrated with the press-fitting portion in a withdrawal-preventing condition.



***Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the beforehand expansion limitation is given little patentable weight.***

### ***Response to Arguments***

Applicant's arguments filed 3/13/2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., each of the first and second annular projections has the same outer diameter) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, substantial does not connote "small" or "meager" it includes high range of "principally" or "entirely"; in view of evidence in file wrapper, court is not willing to extend it below 49%. -- *E. W. Bliss Co. v. Cold Metal Process Co.* (DC NOhio) 122 USPQ 238.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/  
Primary Examiner, Art Unit 3679

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